

ROBERT W. BERLETH
Montana Bar # 53919739
9950 Cypresswood Dr., Ste. 200
Houston, Texas 77070
E-mail: rberleth@berlethlaw.com
Tele: 713-588-6900
Fax: 713-481-0894
Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

WILLIAM RIDEG,

Case No. _____

Plaintiff,

vs.

ROBERT BERLETH and
NADIA BERLETH,
Defendants.

**DEFENDANT ROBERT BERLETH'S
NOTICE OF REMOVAL TO FEDERAL COURT**

COMES NOW Defendants Robert Berleth (Mr. Berleth”), and Nadia Berleth (“Mrs. Berleth”) (hereinafter they will be referred to as “Defendants” or “Berleths”) and move to remove to federal court for all purposes pursuant to Fed. R. Civ. P. 42(a) Rideg v. Berleth (No. 18-1317)(transferred from Montana Fourth Judicial District Court, Missoula County). At all times, before, during, and foreseeably after, the Berleth’s have domiciled and have been residents of the State of Texas.

STATEMENT OF FACTS

Plaintiff, William Rideg (“Mr. Rideg”) and Mr. and Mrs. Berleth have a prior litigation history in a landlord-tenant dispute which has arisen out of that landlord tenant relationship. Despite a court order in the landlord tenant case ordering Rideg to pay funds to the Berleths, Mr. Rideg continues to frivolously file vexatious ligations against the Defendants. Because both Plaintiff and Defendant are also attorneys, Mr. Rideg has filed no less than five (5) bar complaints on Mr. Berleth in both Montana and Texas as well. All have been dismissed as unfounded. On September 25, 2018, Mr. Rideg filed a defamation case against Mr. Berleth claiming that statements made regarding Plaintiff’s behaviour as a landlord were defamatory. All of the statements are either (1) **True** (e.g. Mr. Rideg failed the bar exam five times), (2) personal opinion (e.g. Mr. Rideg is a terrible attorney), or (3) fall under *res judicata* (e.g. Ms. Berleth stating during trial that Mr. Rideg is a “creep”). Mr. Rideg has threatened multiple other litigations, including alleging that at the time Plaintiff rented his residence to Defendants, Defendant created a Montana Foreign Limited Liability Company named Berleth & Associates, PLLC, Defendants listed a Registered Agent at the address of that property. The Berleths have had nothing to do with Mr. Rideg since departing the rental residence in September, 2018, yet he persists in filing and pursuing vexatious litigations against them for *years* afterwards. Defendants are citizens of Texas, and thus have removed the case to Montana Federal District Court.

CONCLUSION

For the foregoing reasons, Defendants respectfully urge that the Court hear the case, declare that the Plaintiff take nothing, award Defendants damages, seeks injunctive relief preventing Mr. Rideg from filing any litigation against the Berleth's without prior leave of this Court, and for any and all other relief shown entitled.

Respectfully Submitted,

BERLETH & ASSOCIATES, PLLC

/s/ Robert Berleth

ROBERT W. BERLETH

Montana Bar # xxxxxxxx

9950 Cypresswood Dr., Ste. 500

Houston, Texas 77070

E-mail: rberleth@berlethlaw.com

Tele: 713-588-6900

Fax: 713-481-0894

CERTIFICATE OF SERVICE

I certify that on Friday, 26 February 2021, I electronically filed Defendants Motion to Consolidate and Brief in Support with the Clerk of Court using CM/ECF system which will send automatic email notification of such filing to the following attorneys of record:

Thomas C. Orr
Mathew A. McKeon,
THOMAS C. ORR LAW OFFICES, P.C.
523 S. Orange St.
P.O. Box 8096
Missoula, MT 59807
Phone: (406) 543-0999
tom@tcorrlaw.com
matthew@tcorrlaw.com
Attorneys for Plaintiff

/s/ Robert Berleth
ROBERT W. BERLETH